IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

Crl.MC.No. 861 of 2007()

LPC.130/2006 of JUDL. MAGISTRATE OF FIRST CLASS COURT, THALASSERY

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PETITIONER: PETITIONER/ACCUSED

N.P.BASHEER,PB NO.8675,MOOSA USMAN SUPER MARKET MUSAFA,ABUDHABI,UAE,PERMANENTLY RESIDING AT SHAREEFA MANZIL,P.O DHARMADAM,NEAR CHEROTH PALLY,670 106.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS: RESPONDENTS/COMPLAINANT AND STATE

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1. VIJESH VIJU N.P,S/O.K.M.VIJAYARAGHAVAN, VASANTHA SOUDHAM,P.O DHARMADAM,670 106.

2. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.861 of 2007

Dated this the 23rd day of March 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. Consequent to his failure to appear before the learned Magistrate, a non-bailable warrant has been issued against him and the case against him has been transferred to the list of long pending cases. The petitioner wants to appear before the learned Magistrate. He apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. He has hence come to this court for issue of directions under Section 482 Cr.P.C. I find no merit in the application at all. There is no basis for the apprehension that the petitioner's application for bail shall not be considered by the learned Magistrate, in accordance with law and expeditiously. Sufficient general directions have already been issued in Alice George vs.Deputy Superintendent of Police [2003(1)KLT 339].

2. I have no reason to assume that the learned Magistrate is not aware of the said decision or shall not comply with the same. He must do the same.

3. In the result, this Criminal Miscellaneous Case is dismissed but with the observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself unless there are exceptional and compelling reasons.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge.

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006